

### **REMARKS / ARGUMENTS**

Claims 1-3 and 5-9 remain pending in this application. Claims 4 and 10-13 have been canceled without prejudice or disclaimer. No new claims have been added.

#### **Amendments to the Specification**

The Specification has been amended to identify elements shown and labeled with numerals in Fig. 1 and Fig. 11 of the drawings. No new matter has been added.

#### **35 U.S.C. §112**

The claims were rejected under 35 USC 112, second paragraph, as being too broad. The claims have been amended to be more specific to overcome this rejection.

#### **35 U.S.C. §101**

It is submitted that the pending claims overcome the rejection under this section. Amended claim 1, as a whole, clearly does not encompass a human being since it is directed to a cross-contamination system comprising a manufacturing computer and an automatic analyzer. As such, this rejection should be withdrawn.

**35 U.S.C. §102**

Claims 1-9 stand rejected under 35 U.S.C. §102(e) as being anticipated by Mault (U.S. Pub. No. 2003/0129578). These rejections are traversed as follows.

**Patentability of the Claims**

Claim 1, as amended, is directed to a cross-contamination prevention system having a maintenance computer storing reagent cross-contamination information. An automatic analyzer is connected to the maintenance computer through a communication line. The automatic analyzer includes a memory that stores reagent cross-contamination information transmitted from the maintenance computer. Support for the automatic analyzer including a memory is found in the Specification at page 9, line 1 and page 12, line 8. The automatic analyzer includes a control section for changing an operation sequence of the automatic analyzer to prevent the occurrence of the cross-contamination on the basis of the reagent cross-contamination information stored in the memory. Claim 1 is directed to the embodiment of Fig. 11, for example.

The present invention thus specifically relates to reagent cross-contamination information. This reagent cross-contamination information corresponds to combinations of reagents generating measurement influences by being mixed with each other. One reagent influences another reagent and the other reagent in turn is

influenced by the one reagent. The other reagent is used for analysis prior to the one reagent to prevent reagent cross-contamination.

On the other hand, Mault discloses a method and system for the early detection of infectious diseases, or the symptoms of bioterrorism attacks in a population (see Abstract). The system includes a plurality of local input devices located with a plurality of individuals that are geographically dispersed with a population. The local input devices are capable of recording information relating to specific diseases of respective individuals, and capable of transmitting the information to a central computer via a communication network. The central computer statistically analyzes the information based upon a comparison of present information and previous information to detect patterns of infectious diseases or symptoms of acts of terrorism. The statistical analysis is used to produce outputs relating to actions to be taken.

Mault clearly fail to disclose an automatic analyzer that has a control section for changing an operation sequence of the automatic analyzer to prevent the occurrence of the cross-contamination on the basis of the reagent cross-contamination information stored in a memory as now specified in claim 1. Therefore, Mault cannot prevent the occurrence of the cross-contamination of reagents in the automatic analyzer. As such, it is submitted that claim 1 and claims 2, 3 and 5-9 depending therefrom, patentably define the present invention over the cited art.

**Conclusion**

In view of the foregoing amendments and remarks, Applicants contend that the above-identified application is now in condition for allowance. Accordingly, reconsideration and reexamination are respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Mattingly, Stanger, Malur & Brundidge, P.C., Deposit Account No. 50-1417 (referencing attorney docket no. KAS-195).

Respectfully submitted,

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